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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/789,962

02/27/2004

Federico Uslenghi

60246-340

9175

26096 7590 04/12/2007
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EXAMINER

MAYEKAR, KISHOR

ART UNIT

PAPER NUMBER

1753

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/789,962

Applicant(s)

USLENGHI ET AL.

Examiner

Kishor Mayekar

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-4, 9-12 and 15-22 is/are rejected.
- 7) ☒ Claim(s) 5-8, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102 and § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore,

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the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 15 and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Golstein (US 4,210,429), a reference cited in the last Office action. Golstein's invention is directed to an air purifier for removing irritating or harmful impurities from the air and a method thereof. Golstein discloses that the method comprises the steps of flowing air through a filtering device; sensing the filtering device; illuminating an UV light source if the step of sensing detects the filtering device; and deactivating the UV light source if the step of sensing does not detect the filtering device (col. 5, lines 63-68).

5. Claims 15 and 17 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Gibson (US 6,869,468 B2), a reference cited in the last Office action. Gibson's invention is directed to an air treatment apparatus and a method thereof. Golstein discloses that the method comprises the steps of flowing air through a filtering device; sensing the filtering device; illuminating an UV light source if the step of sensing detects the filtering device; and deactivating the UV light source if the step of sensing does not detect the filtering device (col. 3, line 65 through col. 4, line 40 and col. 2, lines 57-65).

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Golstein '429

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in view of JP 2000-15762 A. The difference between Golstein and the above claim is the provision that the filtering device is monolith having a titanium dioxide coating. JP '621 shows in an air cleaner the provision of the recited filtering device (see abstract). The subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Golstein as shown by JP '762 because this would further cleaning the treated air by the sterilizing and the photocatalyzing.

7. Claims 1-4 and 9-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reisfeld (US 6,884,399 B2) in view of either Golstein '429 or Gibson '468, for reasons as of record.

8. Claims 12 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisfeld (US 6,884,399 B2) in view of either Golstein '429 or Gibson '468. The further difference between the references as applied above and the instant claims are the provision that the inner compartment houses a particle filter and the switch features.

As to the first difference, since Reisfeld discloses the provision of a particle filter upstream to and in conjunction with the monoliths, the provision that the particle filter is part of the inner compartment as making elements integral was held to have been obvious, *In re Wolfe* 116 USPQ 443.

As to the latter, since Golstein shows that the switch is of conventional design and includes a leaf or contact which is pressed to close the switch, and in electrical communication with the UV light sources (col. 5, lines 5-12 and Fig. 6), or since Gibson also shows that the switch is a microswitch or the like, and in electrical communication with the UV light (col. 2, lines 57-65), it appears that the switch of Golstein or Gibson is of the features as claimed. Further, the selection of known equivalent switch for the detecting of the filtering device would be within the level of ordinary skill in the art.

Allowable Subject Matter

9. Claims 5 and 13 and their depending claims 6-8 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: Because the prior art references do not disclose in an indoor air quality module the provision of the recited first end of the inner compartment being pivotally attached to the outer compartment and pivotal between the first position and the second position in combination with other recited structured as claimed in claims 5 and 13.

Response to Arguments

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11. Applicant's arguments filed 12 January 2007 have been fully considered but they are not persuasive.

Applicant argues that there is no prima facie case of obviousness because of the proposed combination cannot be made as adding the switches of Golstein or Gibson to the Reisfeld arrangement would be useless or redundant at best and as the fan control already adequately provides for controlling the UV lamp. Reisfeld's fan control controls the UV lamps even without the filtering device and the switches of Golstein or Gibson are needed in for providing safety interlock switches with the air purifier when the filtering device is withdrawn from the module.

As to the argument that as Reisfeld's fan coil unit is not disposed within interior of the building such as where occupants would reside, there is no danger of unwanted exposure to UV light with regard to Reisfeld arrangement, since Reisfeld discloses that the air purifier can be used in a fan coil unit or a duct (col. 6, lines 6-8) and since Reisfeld's fan control controls the UV lamps even without the filtering device, the switches of Golstein or Gibson are needed in for providing safety interlock switches with the air purifier when the filtering device is withdrawn from the module. The air purifier will not work properly if there is no filtering device in place.

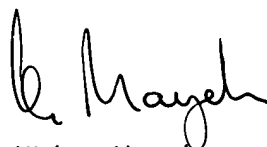
Conclusion

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kishor Mayekar whose telephone number is (571) 272-1339. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kishor Mayekar
Primary Examiner
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